

## Message Text

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PAGE 01 STATE 027568  
ORIGIN L-01

INFO OCT-01 ISO-00 SSO-00 ARA-10 SS-14 INR-05 INRE-00  
SP-02 SAB-01 /034 R

DRAFTED BY L:HJHANSELL:CDJ  
APPROVED BY L:HJHANSELL  
-----128094 020229Z /62

O 020150Z FEB 78  
FM SECSTATE WASHDC  
TO AMEMBASSY PANAMA IMMEDIATE

C O N F I D E N T I A L STATE 027568

STADIS////////////////////////////////////  
LIMDIS: EYES ONLY TO AMBASSADOR JORDEN

E.O. 11652: GDS

TAGS: PANAMA CONSTITUTION

SUBJECT: OPERATIVE PORTIONS

1. FIRST, IT IS AN ESTABLISHED PRINCIPLE OF INTER-  
NATIONAL LAW THAT INTERNATIONAL OBLIGATIONS OF STATES  
MAY NOT BE IMPAIRED BY ANY DOMESTIC LAW INCONSISTENT  
WITH THOSE OBLIGATIONS. THUS, A PARTY TO A TREATY  
WHICH IS VALID UNDER INTERNATIONAL LAW MAY NOT REPUDIATE  
ITS TREATY OBLIGATIONS UNDER INTERNATIONAL LAW BY A  
JUDICIAL DECISION OR OTHER LEGAL ACT.

2. SECOND, THE GOVERNMENT OF PANAMA HAS ADVISED US  
THAT THE SUPREME COURT OF JUSTICE DOES NOT HAVE COMPETENCE  
TO REVIEW THE VALIDITY OF TREATIES AS SUCH; THAT COURT  
HAS SPECIFICALLY DECLINED TO PASS UPON THE VALIDITY OF  
THE 1903 CONVENTION. THE PANAMANIAN COURTS APPARENTLY  
DO HAVE AUTHORITY TO REVIEW THE VALIDITY OF LAWS  
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APPROVING TREATIES FOR THE LIMITED PURPOSE OF PRO-  
TECTING PRIVATE RIGHTS UNDER DOMESTIC LAW. HOWEVER, THE  
COURT DOES NOT HAVE COMPETENCE TO PASS UPON THE OBLIGA-  
TIONS OF STATES UNDER TREATIES. THIS OPINION IS CONSIS-  
TENT WITH OUR UNDERSTANDING OF THE CONSTITUTIONAL JURIS-  
PRUDENCE GENERALLY APPLIED IN LATIN AMERICA ON THAT MATTER.

3. THUS, WE CONCLUDE THAT THE UNITED STATES CAN RELY  
ON THE RATIFICATION OF THE PROPOSED TREATIES BY THE  
GOVERNMENT OF PANAMA. VANCE

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## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CONSTITUTIONAL LAW, INTERNATIONAL LAW, TREATY COMPLIANCE, TREATY RATIFICATION, OPERATIVES, CANALS  
**Control Number:** n/a  
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**Draft Date:** 02 feb 1978  
**Decaption Date:** 20 Mar 2014  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978STATE027568  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** HJHANSELL:CDJ  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
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**Original Handling Restrictions:** ONLY, STADIS  
**Original Previous Classification:** n/a  
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**Type:** TE  
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**Review Markings:**  
Sheryl P. Walter  
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